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EXAMINER

PHAM, THOMAS K

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 03/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/828,024

Applicant(s)

PRELL ET AL.

Examiner

Thomas K Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-15 and 17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-15 and 17 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-9 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Amendment***

1. This action is in response to request for re-consideration filed on 12/22/2004.
2. Claims 1-3 and 5-9 have been considered but they are not persuasive.
3. Claims 11-15 and 17 are allowed.
4. Applicant's amendment, with respect to the new issue of claim 1, necessitated the new ground(s) of rejection presented in this Office action.

**Quotations of U.S. Code Title 35**

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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### **Claim Objections**

7. Claim 4 is objected to because of the following informalities: typo of the word “to” which repeated twice on line 8. Appropriate correction is required.

8. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### **Claim Rejections - 35 USC § 102**

9. Claims 1-3 and 5-9 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,758,079 (“Ludwig”).

#### **Regarding claim 1**

Ludwig teaches managing the simultaneous real-time operation of a plurality of software applications running on a plurality of client computer systems among a plurality of users comprising: providing a computer executable global operating system resident in each of said plurality of client computer systems (col. 18 lines 41-49, “Also present on the ... interapplication protocols”), said global operating system having a user interface and a plurality of application wrappers, said application wrappers providing an interface between said global operating system and each of said plurality of software applications (col. 18 lines 61-62, “The Collaboration Initiator ... initiate collaborative sessions”) **to cause each of said plurality of applications to operate together within system requirements (col. 26 lines 20-39, “Data conferencing is implemented ... specific portions of the shared image”)**; providing a plurality of application data channels for the transmission of data directly between said client computer systems (col. 21

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lines 39-46, “a CMW includes a ... various initiating buttons”); creating at least one collaborative session for use by said client computer systems, said collaborative session comprising a plurality of data parameters (col. 21 lines 13-23, “Clients may create ... create different services”); providing at least one central server connected in a network with said plurality of client computer systems (col. 30 lines 18-23, “As described above ... and recording services”); providing a computer executable real-time knowledge center resident on said at least one central server for tracking a plurality of collaborative session data parameters (col. 30 lines 46-55, “The Real-Time Audio/Video ... to Data LAN hub 25”); providing a centralized real-time data index resident on said at least one central server for storing the plurality of collaborative session data parameters (col. 30 lines 24-45, “Although storage and recording ... costly and higher performance”); updating said centralized real-time data index (col. 31 lines 50-61, “To support real-time ... the video storage capabilities”); and passing said collaborative session data parameters between said real-time knowledge center and said global operating system resident in each of said client computer systems (col. 33 lines 44-54, “A preferred way of capturing ... facilities described earlier”).

### **Regarding claim 2**

Ludwig teaches each user is logged in to the network manager (col. 22 lines 7-11, “This service record ... is not logged in”). It is inherent that the user logged in feature providing at least one security password for each of said at least one collaborative sessions, and storing said at least one security password in said centralized data index.

### **Regarding claim 3**

Ludwig teaches providing at least one network address for each of said client computer systems,

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each of said software applications, and each of said collaborative session data parameters (col. 20 lines 41-46, “For each device on ... connections on the switch”); and storing said network addresses in said centralized data index (col. 32 lines 39-47, “By using the same ... these network connections”).

#### **Regarding claim 5**

Ludwig teaches providing a notification to each of said client computer systems when a computer user joins said at least one collaborative session (col. 25 lines 17-26, “When the user of WS-1 ... of conference bridge 36”); and providing a notification to each of said client computer systems when a computer user exits said at least one collaborative session (col. 25 lines 41-45, “Users may leave ... the participant has exited”).

#### **Regarding claim 6**

Ludwig teaches opening a plurality of data channels between each of said client computer systems for the transmission of audio data therebetween (col. 26 lines 40-56, “A participant may initiate ... for each selected participant”).

#### **Regarding claim 7**

Ludwig teaches opening a plurality of data channels between each of said client computer systems for the transmission of video data therebetween (col. 30 line 64 to col. 31 line 9, “File Transfer and Replication ... simultaneously records it”).

#### **Regarding claim 8**

Ludwig teaches opening a plurality of data channels between each of said client computer systems for the transmission of streaming data therebetween (col. 31 lines 40-47, “The server handles requests ... playback of video streams”).

**Regarding claim 9**

Ludwig teaches designating at least one of said plurality of computer users as an administrative user, wherein said administrative user is enabled to initiate and terminate said at least one collaborative session (col. 36 lines 15-36, “the user can initiate with ... can be launched”).

***Response to Arguments***

10. Applicant's arguments with respect to claims 1-3 and 5-9 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (571) 272-3689, Monday to Thursday from 6:30 AM - 5:00 PM EST or contact Supervisor *Mr. Anthony Knight* at (571) 272-3687.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Thomas Pham**  
*Patent Examiner*

*TP*

March 14, 2005



**Anthony Knight**  
**Supervisory Patent Examiner**  
**Group 3600**